

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MELISSA MIRELEZ,

Plaintiff,

v.

CAROLYN W. COLVIN,  
Commissioner of Social Security  
Administration,

Defendant.

No. 1:14-CV-03042-RHW

**ORDER GRANTING STIPULATED  
MOTION FOR REMAND**

Before the Court is a Stipulated Motion for Remand. ECF No. 18. Based upon the stipulation of the parties, the above-captioned case shall be remanded to the Commissioner of Social Security.

On remand, the Appeals Council will refer this case to its medical support staff for further review of the claimant's mental impairments. If the Appeals Council is unable to issue a favorable decision, it will then remand the case to an Administrative Law Judge ("ALJ") for further administrative proceedings, including further development of the record, a new hearing, and issuance of a new decision.

If the Appeals Council remands this case to an ALJ, the ALJ will re-evaluate the claimant's impairments at step three, with specific consideration of Listing

**ORDER GRANTING STIPULATED MOTION FOR REMAND ~ 1**

12.05, and will obtain medical expert testimony to aid in this determination. If the ALJ's analysis proceeds beyond step three, and in light of Dr. Duris's report, the ALJ will also reconsider the claimant's credibility and residual functional capacity, and the remaining steps of the sequential evaluation process, as necessary. The claimant may present new arguments and evidence. The ALJ may perform further development and conduct further proceedings, as necessary.

This case is remanded pursuant to sentence four of 42 U.S.C. § 405(g). Upon proper presentation, this Court will consider Plaintiff's application for costs, expenses, and reasonable attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(a), (d).

Accordingly, **IT IS HEREBY ORDERED:**

1. The Stipulated Motion for Remand, ECF No. 18, is **GRANTED**.
2. The hearing on the Motion for Summary Judgment, ECF No. 13, is **STRICKEN**. All pending motions are **DENIED AS MOOT**.

**IT IS SO ORDERED.** The District Court Executive is directed to enter this Order and forward copies to counsel and **CLOSE** the file.

**DATED** this 29<sup>th</sup> day of December, 2014.

*s/Robert H. Whaley*  
ROBERT H. WHALEY  
Senior United States District Judge

**ORDER GRANTING STIPULATED MOTION FOR REMAND ~ 2**